REMARKS

Status of Claims

Claims 1-4, 11, 12, 15, 18, 21, 26, 28, 30 and 31 were pending. Claims 11, 12, 21, 26, 28, 30 and 31 have been withdrawn from consideration pursuant to a Restriction Requirement. Claim 1 has been amended as shown above to specify that the polypeptide is isolated and to clarify that it is an autotransporter and is antigenic. See, e.g., Examples including page 105, lines 45-55 and Figure 8. Thus, claims 1-4, 11, 12, 15, 18, 21, 26, 28, 30 and 31 are pending as shown above and claims 1-4, 15 and 18 are under active examination.

Restriction Requirement

The previously pending claims were subject to restriction as between 21 allegedly distinct Groups was made FINAL on the grounds that unity of invention is not present because Kalman et al. (Accession No. E72033) anticipates the claims. (Office Action, paragraph 2).

However, for the reasons noted below it has not been established that Accession No. E72033 is available as a reference and, accordingly, unity is present. Thus, restriction is improper. Furthermore, Applicants note that rejoinder of the method claims, which contain all the limitations of the elected product claims, is also in order.

Power of Attorney

Applicants are in the process of obtaining an executed Power of Attorney and will forward the Power of Attorney under separate cover.

Specification

The Brief Description of the Drawings was objected to for failing to describe Figures 2A, 2B, 5A and 5B. (Office Action, paragraph 5).

By amendment herein, the specification has been amended to refer to the panels of Figures 2 and 5, thereby obviating the objection.

Information Disclosure Statements

Applicants note with appreciation that the IDSs submitted 9/1/06 and 6/16/08 have been considered.

35 U.S.C. § 101

Claims 1-4, 15 and 18 were rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter for encompassing naturally occurring proteins. (Office Action, paragraph 8).

Applicants have amended the claims as suggested by the Examiner to indicate that the polypeptide is isolated. Therefore, the claims are directed to statutory subject matter and the rejection has been obviated.

35 U.S.C. § 112, 2nd paragraph

Claims 1-4, 15 and 18 were rejected under 35 U.S.C. § 112, 2nd paragraph as allegedly indefinite for reciting "for use as an auto transporter antigen." (Office Action, paragraph 11).

Applicants have amended the claims to clarify that the claimed polypeptide is an autotransporter and is also antigenic. See, e.g., Examples including page 105, lines 45-55 and Figure 8. Thus, the claims are clear and definite and withdrawal of the rejection is in order.

35 U.S.C. § 102

Claims 1-4 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Accession No. E72033. (Office Action, paragraph 13).

The pending claims are directed to isolated polypeptides having the amino acid as set forth in SEQ ID NO:55 or SEQ ID NO:86. The Office has not shown that the claimed amino acid sequence were publicly available at the time of filing. As a threshold matter (and shown in the attached GenBank printout), Accession No. E72033 was "removed or replaced" and it is not indicated what differences exist as between Accession No. E72033 and the current sequence. What is clear, however, is that the sequence replacing E72033 was not available until January 26, 2006 (see attached IDS), which is after the priority date of the instant application.

Furthermore, the Office Action does not provide a copy of the sequence previously identified as Accession No. E72033. Instead, the annotation provided on pages 5-6 of the Office Action indicates that this sequence is DNA (see, line 5 on page 6 of the Office Action, which states "A;Molecule type: DNA"). There is no evidence that the sequence in the alignment presented after the annotation was actually the sequence presented in Accession No. E70233. Moreover, the reference paper cited in the annotation (Kalman et al.) contains absolutely no sequence regarding *CPn0796* – the only protein sequences found in this paper are presented in Figure 4. Furthermore, the website given on page 389 of Kalman et al. is not available.

For all the foregoing reasons, it has not been established that the amino acid sequence presented in the Office Action alignment was publicly available as Accession No. E70233 at the time of filing. Accordingly, the rejection cannot stand.

35 U.S.C. § 103(a)

Claims 1-4, 15 and 18 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Accession No. E70233 in view of U.S. Patent No. 6,432,916 (hereinafter "Probst"). (Office Action, paragraph 17). Accession No. E70233 was cited as above and Probst was cited for teaching pharmaceutical compositions comprising a Chlamydia antigen in combination with a pharmaceutically acceptable carrier or immunostimulant. *Id.* In addition, claims 1-4, 15 and 18 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Accession No. E70233 in view of WO 2002/001036457 (hereinafter "Murdin"). (Office Action, paragraph 18). Accession No. E70233 was cited as above and Murdin was cited for teaching pharmaceutical compositions comprising a Chlamydia transporter proteins formulated into or with liposomes, ISCOM or adjuvants. *Id.*

For the reasons noted above, it has not been established what constitutes Accession No. E70233 or that is was publicly available at the time of filing. Thus, there is no combination of this alleged sequence with either Probst or Murdin that renders any of the pending claims obvious.

CONCLUSION

In view of the foregoing, Applicant submits that the claims are now in condition for allowance and requests early notification to that effect.

Please direct all further communications regarding this application to:

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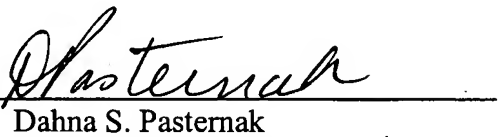
Respectfully submitted,

Date: December 10, 2008

By: 

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